

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STEPHANIE HERNANDEZ,
Plaintiff,

v.

CLEARWATER TRANSPORTATION,
LTD.

Defendant.

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CIVIL ACTION NO. 1:18-CV-319-RP

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Pursuant to Western District of Texas Local Rule CV-16(e)(1), Plaintiff identifies the following list of questions she desires the Court to ask prospective jurors:

1. Do any of you know Stephanie Hernandez, or her lawyers, Matthew Caponi or Austin Kaplan? Is there anything that you have heard about Ms. Hernandez, Mr. Caponi or Mr. Kaplan that would prevent you from being fair and impartial to both sides in this case?
2. Do any of you know Michael DePonte or Alise Abel of Jackson Lewis? Mr. DePonte and Ms. Abel are the attorneys for Defendant Clearwater Transportation in this case. Have you heard anything or know anything about Mr. DePonte, Ms. Abel, or Jackson Lewis that would prevent any of you from being fair or impartial in this case?
3. Have you, any family member, or any close friend ever worked for Clearwater Transportation? If so, please explain.
4. Does anyone know any of the witnesses in this case: [read names from the witness lists]?
5. Have you, any family member, or any close friend ever worked for a car rental company? If so, please explain.
6. Have you ever been responsible for selecting individuals or positions to be included in a layoff?
7. The burden of proof in a civil case is a preponderance of the evidence: more likely true than not true. What that means is that you could still have some doubts about the evidence but would still decide the case as long as you were convinced that the

evidence was more likely true than not true. Who here thinks that this burden of proof is too easy for a plaintiff, and it ought to be harder to find an employer liable for damages in an employment case? Do you feel that a plaintiff would have to convince you of evidence beyond a reasonable doubt, not just more likely than not? Why? Would you be able to follow an instruction otherwise or not?

8. There are two types of evidence in civil cases like this one: direct evidence and circumstantial evidence (sometimes called indirect evidence). Direct evidence is evidence that directly proves an important fact in the case if believed. Indirect evidence is evidence that proves another fact that allows you to infer a key fact in the case. Would you be unable to issue a verdict based only on circumstantial evidence? Why? Would you give greater weight to direct evidence than circumstantial evidence? Why?
9. Does anyone belong to an organization called Texans for Lawsuit Reform?
10. Does anyone think that most lawsuits are frivolous and should not be filed?
11. Does anyone think that the laws are so demanding that it is difficult for companies to conduct business?
12. Are there any of you who believe employees should never file a lawsuit under any circumstances?
13. Does anyone think that it is an employer's right—or at least should be an employer's right—to hire, fire, or promote an employee for any reason, without worrying about intervention or second guessing from lawyers, courts, and juries no matter the facts?
14. Does anyone have any experience as a supervisor or manager? What type?
15. Has anyone here worked in a personnel or Human Resources department of a company? Did you receive special training, or attend any seminars where you learned about the law relating to discrimination or retaliation in the workplace? Is there anything about this experience or your own specialized knowledge that would prevent you from being fair and impartial to both sides in this case?
16. Has anyone been sued by an employee or otherwise involved in defending an employment lawsuit? Please explain.
17. Has anyone been wrongly accused of discrimination or engaging in any illegal employment action against someone else? Please explain.
18. Are there any of you who could not award money damages in a lawsuit under any circumstances?

19. Are there any of you who could not award money damages in a lawsuit about an employment layoff or termination under any circumstances?
20. Is there anyone who has a basic, fundamental objection to jurors being asked to place a dollar value on mental or emotional injuries, like pain and suffering, mental anguish, frustration, loss of reputation, and the like?
21. Is there anyone who could not award money damages for pain and suffering in a lawsuit about an employment suspension or termination under any circumstances?
22. Is there anyone who could not award money damages for career or reputational harm in a lawsuit about an employment suspension or termination under any circumstances?
23. Does anyone have a strong level of doubt that you could be convinced that terminating an employee could cause serious mental distress or emotional harm?
24. Does anyone believe a mother's place is in the home, not at work? Why?
25. Does anyone believe that mothers who have unplanned pregnancies are irresponsible?
26. Does anyone believe that mothers who have pregnancies while unmarried are irresponsible?
27. Does anyone believe employers can and should lay off pregnant women for their own good or the good of their families?
28. Does anyone believe that no condition related to pregnancy could possibly be severe enough to prevent someone from working?
29. Does anyone believe that pregnant women do not require any special accommodations?
30. Have you worked before with a pregnant woman as a coworker or supervisor? Would anything about this experience affect your ability to be fair to both sides?
31. Have you worked outside the home while pregnant? How would that experience affect your ability to be fair to both sides?
32. Does anyone believe an employee should be let go if their boss believes that they will be distracted from work by a new baby at home?
33. Does anyone believe that by definition layoffs cannot be discriminatory?

34. Does anyone have any firsthand experience with the Pregnancy Discrimination Act or know someone who has had firsthand experience with this law? Please describe.
35. Does anyone have any firsthand experience with the Americans With Disabilities Act (“ADA”) or know someone who has had firsthand experience with this law? Please describe.

Respectfully Submitted,

/s/ Matthew Caponi

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February 2022, I sent a true and correct copy of the above and foregoing to all counsel of record as follows:

Via CM/ECF

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